

Court of Appeals, Division One

Civil Appeal

1 CA-CV 15-0513

RIVERBEND v. EDWARDS

Appellate Case Information

Case Filed: 4-Aug-2015

Case Closed: 24-Jan-2017

Decision

Dept/Composition

Department A

Hon. Kenton D Jones
Hon. Randall M Howe
Hon. Donn Kessler

Side 1. RIVERBEND HOMEOWNERS ASSOCIATION, an Arizona non-profit corporation, Plaintiff/Appellant

(Litigant Group) RIVERBEND HOMEOWNERS ASSOCIATION

• Riverbend Homeowners Association

Attorneys for: Plaintiff/Appellant

Quinten T Cupps, Esq. (AZ Bar No. 24680)

Side 2. FELICIA EDWARDS, Defendant/Appellee

(Litigant Group) FELICIA EDWARDS

• Felicia Edwards

PRO SE

**Side 3. BANNER HEALTH SYSTEMS,
Garnishee/, Appellee**

(Litigant Group) BANNER HEALTH SYSTEMS

• Banner Health System

PRO SE

CASE STATUS

Jan 24, 2017.....Case Closed

| PREDECESSOR CASE(S) | Cause/Charge/Class | Judgment/Sentence | Judge, Role <Comments> | Trial | Dispo |
|---------------------|--------------------|-------------------|--|-------|-------|
| MAR TJ2012-002192 | Default Judgment | | Michael L Barth, Authoring Judge of Order | | |

2 CASE DECISIONS

28-Jul-2016 **OPINION**

Samuel Thumma.....Author

Kent Cattani.....Concur

Randall Howe.....Concur

Filed: 28-Jul-2016

Mandate:

Decision Disposition

Appeal Reinstated

13-Dec-2016 **MEMORANDUM DECISION**

Randall Howe.....Author

Kenton Jones.....Concur

Donn Kessler.....Concur

Filed: 13-Dec-2016

Mandate: 24-Jan-2017

Decision Disposition

**Affirmed in Part
Reversed in Part
Remanded**

40 PROCEEDING ENTRIES

- 4-Aug-2015 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 07/06/15
- 4-Aug-2015 FILED: e-Record on Appeal: Instruments/Minute Entries
- 14-Aug-2015 FILED: Notice to Parties re: Appellant's Fee/Case Management Statement/Brief Due
- 19-Aug-2015 RECEIPT No.: 2015-01150 ; \$280.00, Check Number: #4207, Applied to: RIVERBEND HOMEOWNERS ASSOCIATION - Class A Filing Fee (\$280.00) Paid for: - By Vial Fotheringham LLP
- 25-Aug-2015 FILED: Appellee's Notice re: Both Appellee's Fees Due/Appellant's Brief Due
- 31-Aug-2015 FILED: Notice of Substitution of Counsel within Firm; Certificate of Service (Appellant)

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| | | |
|-----|-------------|---|
| 7. | 3-Sep-2015 | FILED: Case Management Statement; (Case Management Statement) Exhibit A; Certificate of Service (Appellant) |
| 8. | 13-Oct-2015 | FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service |
| 9. | 21-Dec-2015 | ORDERED: answering briefs shall be filed on/before 1/4/16. Appellees must pay filing fees before filing brief. If not timely filed, appeal will be submitted for decision on record and opening brief. Melina Brill ProTem Judge - Author |
| 10. | 28-Jan-2016 | ORDERED: submitting this appeal for decision on record and opening brief. Barbara Vidal Vaught ProTem Judge - Author |
| 11. | 29-Feb-2016 | FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days |
| 12. | 4-Mar-2016 | FILED: Supplemented Superior Court e-Record with Revised Index of Record |
| 13. | 31-Mar-2016 | CLNDR: CONFERENCE, Department A, 5-24-16, COURTROOM 1. |
| 14. | 31-Mar-2016 | ORDERED: consolidating cases 1 CA-CV 15-0047, 1 CA-CV 15-0107, 1 CA-CV 15-0127, 1 CA-CV 15-0249, 1 CA-CV 15-375, 1 CA-CV-15-0508, 1 CA-CV 15-0513, 1 CA-CV 15-0624, 1 CA-CV 15-0689, 1 CA-CV 15-0728, 1 CA-CV 15-0753, 1 CA-CV 16-0002 and 1 CA-CV 16-0042 for a limited purpose of considering this court's appellate jurisdiction in these cases. Case No 1 CA-CV 15-0047 is designated as primary number and above caption (or a shortened version listing at a minimum captions in Case No. 1 CA-CV 15-0047 and case number(s) in which filer is a party) shall be used on all future documents filed. FURTHER ORDERED: Directing any party to this consolidated appeal wishing to be heard on issue of whether order being appeal from in their specific case(s) must contain Rule 54 (c) language may file a memorandum, not to exceed 10 pages, on/before 4/20/16. No responses to memoranda will be permitted. Court will only accept a memorandum addressing this issue if filing party has paid filing fee in case number(s) in which filer is a party. FURTHER ORDERED: Staying all other aspects of this consolidated appeal that do not relate to Rule 54 (c) issue pending further order. Hon Kent E Cattani Judge - Author |
| 15. | 11-Apr-2016 | FILED: Appellees' Reply in Support of Motion to Supplement the Record on Appeal; Certificate of Filing and Service Regarding Appellees' Reply in Support of Motion to Supplement the Record on Appeal (Appellees re 1 CA-CV 15-0107) |
| 16. | 3-May-2016 | ORDERED: any response to motion to strike (surreply in CV-15-0728) must be filed on/before 5/13/16. Appellant may file a reply in accordance with ARCAP 6 (a) (2). FURTHER ORDERED: Court will rule on motion following expiration of time for a response and, if applicable, a reply. Melina Brill ProTem Judge - Author |
| 17. | 11-May-2016 | FILED: Appellee's Response to Appellants Motion to Strike Appellees Surreply to Appellants Rebuttal to Appellees Answer Brief; Proof of Service (Appellee, Erick re 1 CA-CV 15-0728) |
| 18. | 26-May-2016 | ORDERED: Consolidating case 1 CA-CV 15-0276 with previously consolidated case 1 CA-CV 15-0047 for sole purpose of considering Court's appellate jurisdiction. Case No. 1 CA-CV 15-0047 is designated primary number. FURTHER ORDERED: Removing case 1 CA-CV 16-0002 from this consolidated appeal. FURTHER ORDERED continuing stay of this consolidated appeal until further order. FURTHER ORDERED: Any party in 1 CA-CV 15-0276 that wishes to be heard on issue of order being appealed from is required to contain Rule 54(c) language may file a memorandum on/before 06/06/2016. Hon Kent E Cattani Judge - Author |
| 19. | 27-May-2016 | FILED: Appellants Reply to Appellees Response to Strike Appellees Surreply to Appellants Rebuttal to Appellees Answer Brief (Appellant Pro Per, Davis re 1 CA-CV 15-0728) |
| 20. | 2-Jun-2016 | FILED: Motion by Tri-Rentals, Inc. and Classic Party Rentals, Inc. to Remove Their Appeal from Consolidation and Lift Stay; Certificate of Service; Exhibit A (Appellants re 1 CA-CV 16-0042) |
| 21. | 6-Jun-2016 | FILED: Plaintiff's Response in Support of Motion by Tri-Rentals, Inc. and Class Party Rentals, Inc. to Remove Thier Appeal from Consolidation and Lift Stay; Certificate of Service (Appellee re 1 CA-CV 16-0042) |
| 22. | 7-Jun-2016 | ORDERED: Removing CV 15-0276 from consolidated appeal. Hon Kent E Cattani Judge - Author |
| 23. | 7-Jun-2016 | ORDERED: Removing CV 16-0042 from consolidated appeal. Hon Kent E Cattani Judge - Author |
| 24. | 10-Jun-2016 | FILED: Appellee's Motion to Strike; Proof of Service (Appellee, Erick re 1 CA-CV 15-0728) |
| 25. | 17-Jun-2016 | FILED: Motion for Reconsideration Concerning Appellants Motion to Strike Appellees Surreply (Appellant Pro Per, Davis re 1 CA-CV 15-0728) |

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26. 22-Jun-2016 ORDERED: Consolidating case 1 CA-CV 16-0294 with case 1 CA-CV 15-0047 for sole purpose of considering this court's appellate jurisdiction. Case 1 CA-CV 15-0047 is designated the primary number. FURTHER ORDERED: Continuing stay of this consolidated appeal until further order. FURTHER ORDERED: Any party in case 1 CA-CV 16-0294 that wishes to be heard on issue regarding order containing Rule 54(c) language, memorandum due 07/05/2016. Hon Kent E Cattani Judge - Author
27. 27-Jun-2016 FILED: Motion for Appointment of Counsel (Appellant Pro Per)
28. 29-Jun-2016 FILED: Appellee's Response to Notice to the Court that Appellee Will Consider Appellants Request for Sanctions as Part of Appellants Motion for Reconsideration and Will not Respond Unless Requested by the Court; Proof of Service (Appellee)
29. 29-Jun-2016 FILED: Appellee's Reply to Appellant's Response to Appellee's Motion to Strike; Proof of Service (Appellee)
30. 6-Jul-2016 ORDERED: Denying Erlick's motion to strike Davis's reply. FURTHER ORDERED: Denying Davis's motion for reconsideration. FURTHER ORDERED: Denying Erlick's motion to strike Lavoie's rebuttal because that pleading was not accepted for filing. FURTHER ORDERED: Taking no action on Erlick's response to Lavoie's motion for permissive joinder and motion to intervene. Hon Maurice Portley - Author
31. 11-Jul-2016 FILED: Courtesy Copy - Copy of my Medical Benefits for State of Calif Gov. Program (Debra Lavoie)
32. 28-Jul-2016 OPINION (Appeal Reinstated) Hon Samuel A Thumma - Author; Hon Kent E Cattani Judge - Concur; Hon Randall M Howe - Concur
33. 28-Jul-2016 FILED: Opinion Distribution List
34. 28-Jul-2016 ORDERED: deconsolidating this appeal from appeal 1 CA-CV 15-0047. FURTHER ORDERED: terminating stay and reinstating this appeal. FURTHER ORDERED: appeal shall be scheduled for consideration on the merits. Hon Kent E Cattani Judge - Author
35. 26-Sep-2016 CLNDR: CONFERENCE, Department A, 11-22-16, COURTROOM 2.
36. 25-Oct-2016 FILED: Appellant's Updated Notice of Transcript Order (Appellant)
37. 16-Nov-2016 FILED: Memorandum moving case from 11/22/16 to 11/21/16 (K. Cartier)
38. 13-Dec-2016 MEMORANDUM DECISION (Affirmed in Part, Reversed in Part, Remanded) Hon Randall M Howe - Author; Hon Kenton D Jones - Concur; Hon Donn Kessler - Concur
39. 13-Dec-2016 FILED: Memorandum Decision Distribution List
40. 24-Jan-2017 FILED: Mandate, No record returned to superior court.